

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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Xiangping Qian et al.) Group Art Unit: 1626
)
U.S. Patent No.: 7,476,743) Examiner: Sun Jae Y. Loewe
)
Issued: January 13, 2009)
)
For: COMPOUNDS, COMPOSITIONS,) Confirmation No.: 1369
AND METHODS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPLICATION FOR PATENT TERM ADJUSTMENT - POST GRANT

The Office issued the subject U.S. Patent No. 7,476,743 (the '743 patent) with a patent term adjustment of 266 days. In accordance with 37 C.F.R. § 1.705(d), Patentee hereby applies for an additional patent term adjustment under 35 U.S.C. § 154(b) of 277 days, for a total patent term adjustment of 543 days.

Patentee has calculated the total patent term adjustment of 543 days based on the following facts:

National Stage commenced on April 11, 2005.

The first Office Action was mailed on October 9, 2007, resulting in a PTO delay of 266 days beyond the 14 months provided by 35 U.S.C. § 154(b)(1)(A). Patentee filed a response to the first Office Action on November 9, 2007, resulting in a Patentee delay of 0 days.

A second Office Action was mailed on January 15, 2008, resulting in a PTO delay of 0 days. Patentee filed a response to the second Office Action on April 8, 2008, resulting in a Patentee delay of 0 days.

A final Office Action was mailed on July 16, 2008, resulting in PTO delay of 0 days. Patentee filed a response to the final Office Action on September 15, 2008, resulting in a Patentee delay of 0 days.

A Notice of Allowance was mailed October 23, 2008 and the issue fee was paid on November 21, 2008. The '743 patent issued January 13, 2009. The three year pendency date for determination of patent term adjustment is April 11, 2008, thereby creating an additional USPTO delay of 277 days.

In view of the decision of the Federal District Court for the District of Columbia in *Wyeth v. Dudas* on September 30, 2008, Patentee submits it is entitled to a total patent term adjustment of 543 days. The sum includes the USPTO delay of 266 days of delay accrued beyond the 14 months between filing date and first Office Action and 277 days due to exceeding the three year pendency period, as described above.

Patentee respectfully requests that the current patent term adjustment be reconsidered.

Under the provisions of 37 C.F.R. § 1.705(d) and in accordance with 37 C.F.R. § 1.705(b)(1), this Application is accompanied by a fee of \$200.00 as specified by Section 1.18(e).

If there are any other fees due in connection with the filing of this Application, please charge such fees to Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: March 12, 2009

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